

SENATE BILL 415

By Yarbro

AN ACT to amend Tennessee Code Annotated, Title 49,
Chapter 6, relative to school discipline.

WHEREAS, it is the goal of this State to ensure completion of high-quality pre-kindergarten through grade twelve (pre-K-12) education for all children in the State; and

WHEREAS, the General Assembly supports proven, effective, and fair disciplinary strategies that improve attendance and graduation rates, and stops the school to prison pipeline; and

WHEREAS, over-reliance on disciplinary suspensions and expulsions has been shown to reduce graduation rates and increase criminal justice involvement for impacted students; and

WHEREAS, research shows that adopting discipline policies that encourage disciplinary practices other than suspension and expulsion and promote a positive school climate can help keep students in school, improve students' academic performance, and reduce children's involvement in the criminal justice system; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. This act is known and may be cited as the "Keep Kids in School Act."

SECTION 2. Tennessee Code Annotated, Title 49, Chapter 6, Part 40, is amended by adding the following as a new section:

49-6-4010.

(a) By January 1, 2022, the department shall issue guidance and recommendations to assist local boards of education or charter school governing bodies with the development of discipline policies that foster supportive and safe school climates and promote evidence-based discipline practices to keep students in school and reduce student involvement in the criminal justice system.

(b) The guidance and recommendations issued pursuant to subsection (a) must meet the following standards:

(1) Fostering positive school climates by:

(A) Engaging the school community, including school personnel, students, families, and community stakeholders, in identifying school or LEA goals for a positive school climate, including school discipline, to complement the school's or LEA's academic goals;

(B) Prioritizing the use of evidence-based prevention strategies, such as tiered supports, to promote positive student behavior;

(C) Promoting social and emotional learning to complement academic skills and encourage positive behavior;

(D) Providing regular training and supports to all school personnel, including teachers, principals, support staff, and school resource officers, on how to engage students and support positive behavior;

(E) Collaborating with local mental health, child welfare, law enforcement, and other stakeholders to align resources, prevention strategies, and intervention services; and

(F) Ensuring that a school resource officer's role focuses on improving school safety and reducing inappropriate referrals to law enforcement;

(2) Providing clear, appropriate, and consistent expectations and consequences by:

(A) Ensuring school discipline policies set high expectations for behavior and adopt an instructional approach to school discipline;

(B) Involving families, students, and school personnel in the development and implementation of discipline policies or codes of conduct, and communicating those policies regularly and clearly;

(C) Ensuring that clear, developmentally appropriate, and proportional consequences apply for misbehavior;

(D) Ensuring policies include appropriate procedures for students with disabilities and due process for all students; and

(E) Removing students from the classroom only as a last resort, ensuring that any alternative settings provide students with academic instruction and return students to their regular class as soon as possible; and

(3) Promoting equity and continuous improvement by:

(A) Training all school staff to apply school discipline policies and practices in a fair and equitable manner; and

(B) Using proactive, data-driven, and continuous efforts, including gathering feedback from families, students, teachers, and school personnel, to prevent, identify, reduce, and eliminate discriminatory discipline and unintended consequences.

SECTION 3. Tennessee Code Annotated, Section 49-6-4002(a), is amended by adding the following language at the end of the subsection:

A discipline policy adopted pursuant to this subsection (a) must align with the guidance and recommendations issued by the department pursuant to § 49-6-4010.

SECTION 4. Tennessee Code Annotated, Section 49-6-4002, is amended by adding the following as new subsections:

(h) The department shall develop and make available to local boards of education and charter school governing bodies a grade-appropriate model school discipline policy that aligns with the guidance and standards issued pursuant to § 49-6-4010.

(i) The department may provide training and professional development opportunities to assist local boards of education and charter school governing bodies with developing a discipline policy that aligns with the guidance and recommendations issued by the department pursuant to § 49-6-4010.

SECTION 5. Tennessee Code Annotated, Title 49, Chapter 6, Part 40, is amended by adding the following as a new section:

(a) The department shall annually:

(1) Collect and examine data regarding in-school suspensions, out-of-school suspensions, expulsions, school-based arrests, other in-school disciplinary actions, length of suspensions, suspension and expulsion rates, and percentage of students that experienced each type of discipline. The collected data must be disaggregated by school, LEA, race, ethnicity, gender, age, grade, students with disabilities, English language learners, and students who are eligible for free or reduced-price lunch, and reason the discipline was imposed; and

(2) Compare data and trends to available data from other states.

(b)

(1) The commissioner shall submit a report to the governor and to the education committees of the senate and the house of representatives by January 15, 2023, and by January 15 each year thereafter that:

(A) Includes data and analysis collected pursuant to subsection (a); and

(B) Highlights high-performing schools and districts, including those that have improved school climate and decreased use of exclusionary measures such as suspensions and expulsions.

(2) The report must comply with the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. 1232g), § 10-7-504, the Data Accessibility, Transparency and Accountability Act, compiled in chapter 1, part 7 of this title, and all other relevant state and federal privacy laws.

(3) The report must be posted on the department's website.

SECTION 6. This act takes effect upon becoming a law, the public welfare requiring it.